

AMENDED IN ASSEMBLY APRIL 1, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 430**

**Introduced by Assembly Members Dutra and Simitian  
(Coauthors: Assembly Members Cohn, Diaz, Houston, Lieber,  
and Mullin)**

February 14, 2003

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An act to add ~~Section 73502.2~~ *Sections 73502.2 and 73502.3* to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 430, as amended, Dutra. Bay area regional water system.

~~(1) Existing~~

*The California Environmental Quality Act requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. The act exempts from that requirement certain discretionary projects, including specific actions necessary to prevent or mitigate an emergency. Existing law requires the City and County of San Francisco, on or before February 1, 2003, to adopt certain capital improvement projects designed to restore and improve the bay area regional water system.*

~~This bill would require each state and local public agency that has authority to issue a permit, license, or other approval for any of those bay area regional water system projects to give priority to the city's application for that permit, license, or approval. The requirements~~

~~established by the bill relating to local public agencies would impose a state-mandated local program approve or disapprove the project within 60 days after that agency has received a completed application from the city relating to any of these projects. The bill would exempt from the act the construction of certain of those bay area regional water system projects by characterizing that construction as an action necessary to prevent or mitigate an emergency.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes no.~~

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 73502.2 is added to the Water Code, to  
 2 read:  
 3 ~~73502.2. Each agency of the state and each local public~~  
 4 ~~73502.2. The construction of a project identified in~~  
 5 ~~subdivision (b) of Section 73502 with the identification number of~~  
 6 ~~99, 128, 9897, 9891, or 202339 shall be considered to be an action~~  
 7 ~~necessary to prevent or mitigate an emergency, for the purposes of~~  
 8 ~~paragraph (4) of subdivision (b) of Section 21080 of the Public~~  
 9 ~~Resources Code.~~  
 10 ~~73502.3. Each state agency that has authority to issue a~~  
 11 ~~permit, license, or other approval for any of the projects identified~~  
 12 ~~in Section 73502.2 shall approve or disapprove the project within~~  
 13 ~~60 days after that agency had received a completed application~~  
 14 ~~from the city relating to any of those projects.~~  
 15 ~~agency that has authority to issue a permit, license, or other~~  
 16 ~~approval for any of the projects identified in subdivision (b) of~~  
 17 ~~Section 73502 shall give priority to the city's application for that~~

1 ~~permit, license, or approval, and shall process that application~~  
2 ~~expeditiously.~~

3 ~~SEC. 2. Notwithstanding Section 17610 of the Government~~  
4 ~~Code, if the Commission on State Mandates determines that this~~  
5 ~~act contains costs mandated by the state, reimbursement to local~~  
6 ~~agencies and school districts for those costs shall be made pursuant~~  
7 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~  
8 ~~2 of the Government Code. If the statewide cost of the claim for~~  
9 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~  
10 ~~reimbursement shall be made from the State Mandates Claims~~  
11 ~~Fund.~~

